

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

DESSALINES SEALY,

Plaintiff,

V.

MICHAEL BARRETT, *et al.*,

Defendants.

Case No. 1:22-cv-651

Judge Jeffery P. Hopkins

ORDER ADOPTING REPORT AND RECOMMENDATION

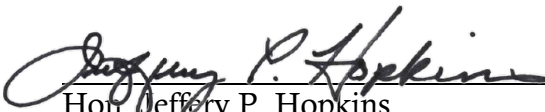
This matter is before the Court on the Report and Recommendation (Doc. 5) issued by Magistrate Judge Stephanie K. Bowman on December 22, 2022. After performing an initial screen of Plaintiff's Complaint pursuant to 28 U.S.C. § 1915(e)(2), the Magistrate Judge recommended that the Court dismiss Plaintiff's Complaint in its entirety for failure to state a claim on which relief may be granted. The Court has reviewed Plaintiff's Complaint and the Report and Recommendation. Noting that no objections have been filed and that the time for filing such objections under Fed. R. Civ. P. 72(b) has expired, the Court hereby **ADOPTS** the Report and Recommendation in its entirety.

Accordingly, it is hereby **ORDERED** that the Complaint be **DISMISSED** with prejudice for failure to state a claim on which relief may be granted. For the reasons stated in the Report and Recommendation and pursuant to 28 U.S.C. § 1915(a)(3), the Court certifies that an appeal of this Order would lack an arguable basis in law or in fact and thus would not be taken in good faith. The Court accordingly **DENIES** Plaintiff leave to appeal *in forma pauperis*. In accordance with Fed. R. App. P. 24(a)(5), Plaintiff remains free to file a motion

for leave to proceed on appeal *in forma pauperis* in the Sixth Circuit Court of Appeals. *Callihan v. Schneider*, 178 F.3d 800, 803 (6th Cir. 1999).

IT IS SO ORDERED.

Dated: April 3, 2023


Hon. Jeffrey P. Hopkins
United States District Judge